

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

INTERACTIVE MOUNTS, INC.,
Plaintiff,

v.

MILESTONE AV TECHNOLOGIES LLC,
Defendant.

Civil Action No. _____

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Interactive Mounts, Inc. (“Interactive Mounts” or Plaintiff) brings this action against Defendant Milestone AV Technologies LLC (“Milestone” or Defendant) and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement under 35 U.S.C. §§ 271, *et seq.*, by Interactive Mounts against Milestone for infringement of United States Patent Nos. 7,942,373 and 8,167,256 (collectively referred to herein as the “Patents-in-Suit”).

PARTIES

2. Plaintiff Interactive Mounts is a corporation organized and existing under the laws of the Commonwealth of Massachusetts, with a principal place of business at 275 Billerica Road, Chelmsford, Massachusetts 01824, United States, within this judicial district.

3. Upon information and belief, Defendant Milestone is a corporation organized and existing under the laws of Delaware, with a principal place of business at 6436 City West Parkway, Eden Prairie, MN 55344, United States.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Upon information and belief, Milestone regularly conducts business and solicits sales (including sales of allegedly infringing products) from customers located in Massachusetts through an extensive network of authorized distributors and dealers of its products, many of whom are physically located in Massachusetts and/or sell online to customers residing in Massachusetts. Upon information and belief, Milestone has various product group representatives located in and/or serving customers in Massachusetts including a pro audio visual (ProAV) and original equipment manufacturer (OEM) representative, home audio visual (Home AV) representative, and a workstation representative. Upon information and belief, infringing products that Milestone has manufactured and placed in interstate commerce with the intent to sell them on the widest possible geographic basis, nationwide, are purchased and used by customers in Massachusetts. Thus, Milestone has purposefully availed itself of the privilege of conducting business in this judicial district, and is thus subject to personal jurisdiction in this district. At least a portion of the patent infringement claims alleged herein arise out of or are related to one or more of the foregoing activities.

6. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c) and 1400(b).

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 7,942,373

7. Interactive Mounts incorporates by reference the allegations in the preceding paragraphs as if fully set forth herein.

8. On May 17, 2011, the United States Patent and Trademark Office duly and legally issued United States Patent No. 7,942,373 (“the ’373 Patent”), entitled “Mounting Bracket For

Classroom Board,” to the listed inventor Leslie C. Bishop of North, Chelmsford, Massachusetts. A true and correct copy of the ’373 Patent is attached hereto as Exhibit A to this Complaint.

9. Interactive Mounts is the assignee and owner of the right, title and interest in and to the ’373 Patent, including the right to assert all causes of action arising under said Patent and the right to any remedies for infringement of it.

10. Upon information and belief, Milestone has infringed and continues to infringe at least one claim of the ’373 Patent under 35 U.S.C. § 271(a) by at least making, using, offering for sale, and/or selling, its WBM2 Series Micro Adjustable Whiteboard Mount.

11. Milestone is not licensed under the ’373 Patent.

12. As a result of Milestone’s infringement of the ’373 Patent, Interactive Mounts has been irreparably injured. Unless such infringing acts are enjoined by this Court, Interactive Mounts will continue to suffer additional irreparable injury.

13. As a result of Milestone’s infringement of the ’373 Patent, Interactive Mounts has suffered, and continues to suffer, damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits due to loss of sales, profits, and potential sales that Interactive Mounts would have made but for Milestone’s infringing acts.

14. To the extent that facts learned in discovery show that Milestone’s infringement of the ’373 Patent is or has been willful, Interactive Mounts reserves the right to request such a finding at the time of trial.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 8,167,256

15. Interactive Mounts incorporates by reference the allegations in the preceding paragraphs as if fully set forth herein.

16. On May 1, 2012, the United States Patent and Trademark Office duly and legally issued United States Patent No. 8,167,256 (“the ’256 Patent”), entitled “Mounting Bracket For Classroom Board,” to the listed inventor Leslie C. Bishop of North, Chelmsford, Massachusetts. A true and correct copy of the ’256 Patent is attached hereto as Exhibit B to this Complaint.

17. Interactive Mounts is the assignee and owner of the right, title and interest in and to the ’256 Patent, including the right to assert all causes of action arising under said Patent and the right to any remedies for infringement of it.

18. Upon information and belief, Milestone has infringed and continues to infringe at least one claim of the ’256 Patent under 35 U.S.C. § 271(a) by at least making, using, offering for sale, and/or selling, its WBM2 Series Micro Adjustable Whiteboard Mount.

19. Milestone is not licensed under the ’256 Patent.

20. As a result of Milestone’s infringement of the ’256 Patent, Interactive Mounts has been irreparably injured. Unless such infringing acts are enjoined by this Court, Interactive Mounts will continue to suffer additional irreparable injury.

21. As a result of Milestone’s infringement of the ’256 Patent, Interactive Mounts has suffered, and continues to suffer, damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits due to loss of sales, profits, and potential sales that Interactive Mounts would have made but for Milestone’s infringing acts.

22. To the extent that facts learned in discovery show that Milestone’s infringement of the ’256 Patent is or has been willful, Interactive Mounts reserves the right to request such a finding at the time of trial.

PRAYER FOR RELIEF

WHEREFORE, Interactive Mounts requests the following relief:

- (a) a declaration that Milestone infringes the Patents-in-Suit under 35 U.S.C. § 271 and a final judgment incorporating the same;
- (b) equitable relief under 35 U.S.C. § 283, including, but not limited to, an injunction that enjoins Milestone and any of its officers, agents, employees, assigns, representatives, privies, successors, and those acting in concert or participation with them from infringing, contributing to, and/or inducing infringement of the Patents-in-Suit;
- (c) an award of damages sufficient to compensate Interactive Mounts for infringement of the Patents-in-Suit by Milestone, together with prejudgment and post-judgment interest under 35 U.S.C. § 284;
- (d) an accounting for damages;
- (e) an order compelling Milestone to compensate Interactive Mounts for any ongoing and/or future infringement of the Patents-in-Suit, in an amount to be determined;
- (f) a judgment holding that this is an exceptional case under 35 U.S.C. § 285 awarding Interactive Mounts its reasonable attorney fees, costs, and expenses; and
- (g) such other relief as deemed just and proper by the Court.

JURY TRIAL DEMAND

Plaintiff Interactive Mounts demands a trial by jury on all issues triable by right of jury.

Respectfully Submitted by Interactive Mounts,

By and through its attorney,

Dated: August 6, 2012

/s/ Catherine Rajwani

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